



State of Utah

Department of
Environmental Quality

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DAQ-044-06

TO: Air Quality Board

THROUGH: Rick Sprott, Executive Secretary

FROM: Mat Carlile and Jan Miller, Rules Coordinators

DATE: June 1, 2006

SUBJECT: Five-Year Review
R307-101, *General Requirements*;
R307-110, *General Requirements: State Implementation Plan*;
R307-401, *Permits: Notice of Intent and Approval Order*;
R307-405, *Permits: Major Sources in Attainment or Unclassified Areas (PSD)*; R307-410,
Permits: Emission Impact Analysis;
R307-210, *Standards of Performance for New Stationary Sources (NSPS)*;
R307-223, *Emission Standards: Existing Small Municipal Waste Combustors*; R307-801,
Asbestos.

All state agencies are required by the Utah Administrative Rulemaking Act (Title 63, Chapter 46a) to review each of their rules at least every fifth year. Because the statute defines "agency" as the state board or other entity that is authorized by statute to make rules, the responsibility to complete the review falls to the Air Quality Board.

At the end of the review, the agency must file a notice with the Division of Administrative Rules indicating its intent to continue, amend, or repeal the rule. To continue the rule, the agency must address the requirements in 63-46a-9(3)(a) that are listed on the attached forms. If the agency does not file the form on time, the rule automatically expires, as provided in 63-46a-9(8). Nothing in the review process makes any change in the rule text; if the agency wishes to amend or repeal the rule, a separate action is required under the regular rulemaking procedures (public notice, public comment, and final Board adoption).

DAQ staff has assembled the review package for all the rules recently amended and replaced. Five of the attached rules were recently amended or replaced as part of the New Source Review (NSR) reform process, and two others also were recently amended. Finally, it has been five years since R307-223 was adopted and its review is due in September.

Staff have reviewed these rules and determined that they meet the requirements of 63-46a-9(3)(a).

NSR Reform Rules

R307-101, *General Requirements*. Next review is due June 5, 2008. This rule includes definitions used throughout other R307 rules.

R307-110, *General Requirements: State Implementation Plan*. Next review is due September 8, 2010. This rule incorporates by reference the various sections and parts of the State Implementation Plan. Staff had previously decided to seek review each time this rule is updated, so that the review is not too extensive,

R307-401, *Permits: Notice of Intent and Approval Order*. The next review is due August 11, 2008. Because this rule was totally re-written as part of the NSR reform package, now is a good time for review.

R307-405, *Permits: Major Sources in Attainment or Unclassified Areas (PSD)*. The next review is due August 11, 2008. Because this rule was totally re-written as part of the NSR reform package, now is a good time for review.

R307-410, *Permits: Emission Impact Analysis*. The next review is due August 11, 2008. This rule was substantially amended as part of the NSR reform package, and now is a good time for review.

Other Rules

R307-210, *Standards of Performance for New Stationary Sources (NSPS)*. The next review is due August 15, 2006. In an earlier item in the packet the Board is asked to adopt changes to R307-210. Those changes bring the rule up to date with federal actions.

R307-223, *Emission Standards: Existing Small Municipal Waste Combustors*. The next review is due September 10, 2006. This rule was adopted in 2001 to implement the requirements of 40 CFR Part 60, Subpart BBBB, which requires that states regulate existing small municipal waste incinerators to ensure they comply with emission limits for multiple pollutants including such hazardous pollutants as cadmium, mercury, dioxins, and furans.

R307-801, *Asbestos*. The next review is due April 23, 2007. In an earlier item in the packet the Board is asked to adopt changes to R307-801. Those changes included minor corrections throughout the rule.

Staff Recommendation: Staff recommends that the Board continue R307-101, R307-110, R307-210, R307-223, R307-401, R307-405, R307-410, and R307-801 by approving the attached forms to be filed with the Division of Administrative Rules.